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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,011	01/28/2002	Michael Wayne Brown	AUS920010514US1	5546

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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/059,011	Applicant(s) BROWN ET AL.	
	Examiner Greg Cunningham	Art Unit 2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications of application filed 10/14/2004 and replaces the Prior Office Action mailed on 1/24/2005. A new statutory period for reply has been set to expire 3 months from the mailing date of this Office Action.
2. The disposition of the claims is as follows: claims 1-33 are pending in the application. Claims 1, 11, 21 and 28-33 are independent claims. Claims 28-33 are newly added.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 2, 5-10, 11, 12, 15-20, 21 and 23-33 are rejected under 35 U.S.C. 102(a) as being disclosed by Samar, (US 6563514 B1).

A. Samar discloses claim 1, “A method for displaying resource aids in a display area, said method comprising the steps of:

displaying a user interface comprising at least one displayable object within a display area; and responsive to an initiating event, wherein said initiating event is a position of a cursor over a sensitive area of said displayable object [col. 4, lns. 39-45], placing a transparent [col. 9, lns. 34-36] resource aid within said display area in association with said at least one displayable object, such that said at least one displayable object is not obscured by said transparent resource aid [col.

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4, lns. 21-45]” as [detailed]. Wherein [The bubble software configures a processing system such that when a pointer or cursor is positioned by a user over an item of interest] corresponds to “cursor placement” and [item of interest] corresponds to “sensitive region”.

B. Per independent claims 11 and 21, these are directed to a system and program, respectively, for performing the method of independent claim 1, and therefore are identically rejected to independent claim 1.

C. Samar discloses claim 2, “The method for displaying resource aids in accordance with claim 1, said method further comprising the step of:

responding to said initiating event, wherein said initiating event is at least one of a cursor placement, an occurrence of a user-defined event, and a user input” supra for claim 1. Wherein [The bubble software configures a processing system such that when a pointer or cursor is positioned by a user over an item of interest] corresponds to “cursor placement” and [item of interest] corresponds to “sensitive region”.

D. Per dependent claim 12, this is directed to a system for performing the method of dependent claim 2, and therefore is rejected to dependent claim 2.

E. Samar discloses claim 5, “The method for displaying resource aids in accordance with claim, said method further comprising the steps of:

monitoring performance of a plurality of parts of a computer system; and
compiling information for said transparent resource aid from said monitored performance for a selection from among said plurality of parts” supra for claim 1 and furthermore in col. 2, ln. 53 – col. 3, ln. 16; col. 5, lns. 5-14; and col. 6, lns. 62 – col. 7, ln. 47.

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F. Per dependent claims 15 and 23, these are directed to a system and program, respectively, for performing the method of dependent claim 5, and therefore are rejected to dependent claim 5.

G. Samar discloses claim 6, “The method for displaying resource aids in accordance with claim 1, said method further comprising the steps of:

monitoring a plurality of transparency settings for each of a plurality of displayable objects displayed within said user interface; and compiling information for said transparency resource aid from said monitored transparency settings” supra for claim 1. Wherein [The bubble software configures a processing system such that when a pointer or cursor is positioned by a user over an item of interest, and without further interaction from the user, information related to the item of interest is retrieved locally and/or remotely and then presented to the user] corresponds to “monitoring plurality of displayable objects displayed within said user interface; and compiling information” and [The bubble may also take on a variety of colors, shapes, shadings, and transparency levels] corresponds to ‘a plurality of transparency settings’. Thus Samar inherently discloses information related to the item of interest for bubble transparency levels.

H. Samar discloses claim 7, “The method for displaying resource aids in accordance with claim 1, said method further comprising the step of: placing said transparent resource aid to maximize space remaining in said display area” supra for claim 1 and furthermore in col. 9, lns. 57-60.

J. Samar discloses claim 8, “The method for displaying resource aids in accordance with claim 1, said method further comprising the step of: placing said transparent resource aid, wherein said transparent resource aid comprises at least one from among text, graphics, video, and audio” supra for claim 1 and furthermore in col. 8, lns. 22-24.

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K. Samar discloses claim 9, “The method for displaying resource aids in accordance with claim 1, said method further comprising the step of: adjusting a visual indication of a dimensional height of said transparent resource aid to indicate a quantity associated with a monitored resource being described by said transparent resource aid” supra for claim 1 and furthermore in col. 9, lns 36-44. Wherein [bubble size] corresponds to “height”.

L. Samar discloses claim 10, “The method for displaying resource aids in accordance with claim 1, said method further comprising the step of: placing said transparent resource aid in a background of said display area in association with said at least one displayable object, wherein said transparent resource aid is darkened to draw attention to said at least one displayable object” supra for claim 1 and furthermore in col. col. 8, lns. 22-24 and col. 9, lns. 34-37. Wherein [or even the background or shape of the bubble itself] corresponds to “background” and [shadings] corresponds to “darkened”.

M. Per dependent claims 16-20 and 24-27, these are directed to a system and program, respectively, for performing the method of dependent claims 6-10, and therefore are rejected to dependent claims 6-10.

N. Per independent claims 28-30, these are directed to a method, system and program, respectively, for performing the method of independent claim 1 and dependent claim 5, and therefore are rejected to independent claim 1 and dependent claim 5.

P. Per independent claims 31-33, these are directed to a method, system and program, respectively, for performing the method of independent claim 1 and dependent claim 9, and therefore are rejected to independent claim 1 and dependent claim 9.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samar, (US 6563514 B1) as applied to claims 1, 11 and 21 above, and further in view of Higashiyama et al., (US 6,842,183 B2), hereinafter Higashiyama.

A. Samar discloses claim 4, “The method for displaying resource aids in accordance with claim 1, said method further comprising the steps of:
determining a graphical output format for said transparent resource aid [col. 9, lns. 30-34; 60-67]; adjusting a transparency of said transparent resource aid according to user transparency preferences [col. 9, lns. 34-36; 46-47]; determining a display position for said transparent resource aid [col. 9, lns. 32-34; 57-60]; and adjusting said transparency of said transparency resource aid according to said display position” supra for claim 1 and furthermore in [Col. 9, ln. 30 – col. 10, ln. 4]. However, Samar does not appear to disclose “and adjusting said transparency of said transparency resource aid according to said display position”, but Higashiyama does in claim 1, particularly at “a rewriting means for rewriting the pixel data from the image processing means at the same pixel position as that of the first memory from which the pixel data was read when said distance information from the viewing point of the simulated camera is a specified reference value or larger, and a control means for causing the image processing means and the

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rewriting means to repeatedly operate only a specified number of times each successively increasing the specified reference value and successively increasing a degree of transparency of pixels having distance data equal to or greater than the specified reference value such that pixels having distances further from the simulated camera position appear with greater transparency than pixels having distance closer to the simulated camera position, and the image in the first memory being introduced to the monitor after processing by the control means is completed.”
Emphasis added.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply ‘transparency information bubbles’ disclosed by Samar in combination with positional transparency disclosed by Higashiyama, and motivated to combine the teachings because it would personalize the nature of the information and its retrieval based on user-defined criteria as revealed by Samar in col. 9, lines 53-55.

B. Per dependent claims 14 and 22, these are directed to a system and program, respectively, for performing the method of dependent claim 4, and therefore are rejected to dependent claim 4.

Response to Arguments

7. Applicant's arguments with respect to claim 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Responses

8. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9306 may be used for formal communications.

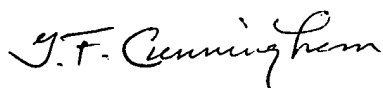
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Inquiries

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-7784. The examiner can normally be reached on Mon. - Thurs. 7:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory F. Cunningham
Examiner
Art Unit 2676

April 7, 2005



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